

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of : Messenger *et al.*

Appl.No. : 09/544,636

Patent No. : 6,290,976

Filed: April 6, 2000

Issued : September 18, 2001

Confirmation No.: 9261

For : IMPROVED FACIAL SKIN DERMABRASION CLEANSING AND
CONDITIONING COMPOSITION

**PETITION TO REINSTATE AN UNINTENTIONALLY EXPIRED
PATENT UNDER 37 C.F.R. § 1.378(c)**

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Commissioner:

This is a petition under 37 C.F.R. § 1.378(c) to reinstate an unintentionally expired patent and accept the delayed payment of maintenance fees due on the above-identified patent, on an expedited basis, whereby the patent will not be considered as having been expired. This petition is filed on behalf of Bella Bella, Inc. which has owned for over 8 years the above-identified patent.

Patent No. 6,290,976 was issued on September 18, 2001. The first maintenance fee was paid in accordance with the provisions of 37 C.F.R. § 1.362(e)(1) on September 27, 2004. The second maintenance fee could have been paid with the surcharge set forth in 37 CFR 1.362(e)(2) as late as September 18, 2009. Since the second maintenance fee was not paid, Patent No. 6,290,976 expired after midnight on September 18, 2009.

A petition to accept an unintentional delayed payment of a maintenance fee must include:

- (1) the required maintenance fee set forth in 37 C.F.R. § 1.20 (e) through (g);

Adjustment date: 02/16/2010 CKHLOK
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02 FC:1558

1240.00 OP
1640.00 OP

- (2) the surcharge set forth in 37 C.F.R. § 1.20(i)(2); and
- (3) a statement that the delay in payment of the maintenance fee was unintentional.

(1) MAINTENANCE FEE

The required maintenance fee of \$1,240 as set forth in 37 C.F.R. § 1.20(f) is enclosed herewith.

(2) SURCHARGE

The required surcharge of \$1,640.00 as set forth in 37 C.F.R. § 1.20(i)(2) is enclosed herewith.

(3) STATEMENT OF UNINTENTIONAL DELAY

A Declaration by the patent owner that the delay was unintentional is attached in support of this petition.

For the reasons stated therein, it is clear that the delay in the payment of the maintenance fee due on this patent was unintentional, since Ms. Lynn Luka was unaware of the status of the patent or maintenance fees, even though Ms. Luka was the rightful owner of the patent at the time that the maintenance fee became due.

Diligence

Patent Owner became aware of the expiration of the instant patent shortly after October 21, 2009, when the engagement letter for the purpose of initiating a Patent Owner's Request for Reexamination was signed. Accordingly, this Request for Reinstatement is filed about two months after Patent Owner became aware of the expiration of the patent.

CONCLUSION

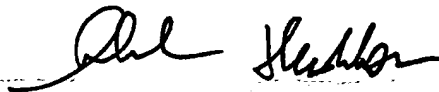
It is believed that a proper showing has been made that the delay in the payment of the maintenance fee due on this patent was unintentional.

Accordingly, acceptance, on an expedited basis, of the unintentional delayed payment of the maintenance fee due on the above-identified patent is respectfully requested, whereby the patent will not be considered as having been expired.

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 50-2929, referencing Docket No. P131584.

Respectfully submitted,

Bella Bella, Inc.



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December 22, 2009
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P131584-A01; AH/cgvr